

CALENDAR ITEM

C43

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08/19/15

PRC 1589.1

S 7

V. Caldwell

**CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION, STATE
CLEARINGHOUSE NO. 2015062045, ADOPTION OF A MITIGATION MONITORING
PROGRAM, ACCEPTANCE OF QUITCLAIM DEED, AND ISSUANCE OF A
GENERAL LEASE – INDUSTRIAL USE**

APPLICANT:

Georgia-Pacific Gypsum, LLC

AREA, LAND TYPE, AND LOCATION:

9.69 acres, more or less, of filled and unfilled sovereign land in the San Joaquin River, adjacent to 801 Minaker Drive, near the city of Antioch, Contra Costa County.

AUTHORIZED USE:

Continued use, maintenance and operation of an existing industrial facility which includes filled land improved with an internal road, open stockpile area, elevated conveyor system, fencing, electrical service, a portion of a storm water discharge pipeline, concrete bulkhead, rock berm and other appurtenant facilities; and unfilled land improved with vehicle bridge, a conveyor system, a portion of a storm water discharge pipeline, portions of a bulkhead and rock berm previously authorized by the Commission; and removal, installation, and repair of industrial wharf components with appurtenant facilities not previously authorized by the Commission.

LEASE TERM:

20 years, beginning August 19, 2015.

CONSIDERATION:

Initial Base Rent: \$170,969; with an annual Consumer Price Index (CPI) adjustment, provided that the Adjusted Annual Rent will never be lower than the Base Rent then in effect; and the State reserving the right to fix a different Base Rent on the 10th anniversary of the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. **Insurance:**

Liability insurance in an amount of no less than \$5,000,000 per occurrence.

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2. **Bond:**
Surety Bond in the amount of \$375,000.
3. **Warning signage:**
Applicant shall place warning signage and/or buoys, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the wharf upgrade project and to advise the public to exercise caution. Applicant shall place and maintain such signage at all times during construction activities.
4. **Monitoring of pile segments left in place:**
Applicant shall make a reasonable, good-faith effort to completely remove all timber piles identified in the project description. In the event any of the piles cannot be removed completely, Applicant shall remove all portions of the remaining improvements to a minimum depth of three-feet below the existing mud line within the lease premises. Applicant shall monitor the site to ensure the pile segments remain buried and do not create a public hazard. If it is found that a piling segment has become exposed due to erosion or other cause, Applicant shall submit a remediation plan, stamped and signed by a California licensed civil engineer, to the Commission's staff for review and approval.
5. **Native American monitor:**
Applicant shall allow Native American monitors to be present during construction, if so requested by a tribal representative.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises. The upland is an industrial facility with filled land improved with an internal road, open stockpile area, elevated conveyor system, fencing, and electrical service.
2. On October 27, 2011, the Commission authorized the ratification of prior assignments from Domtar Gypsum America Inc. to Georgia-Pacific Gypsum, LLC, and issuance of Lease No. PRC 1589.1, a General Lease – Industrial Use to Georgia-Pacific Gypsum, LLC, for a five-year term ending November 30, 2016, for continued use and maintenance of existing industrial docking and offloading facilities used in conjunction with an adjacent gypsum material manufacturing facility not under CSLC's jurisdiction.
3. The lease authorized in 2011 included a provision requiring the Lessee to develop and conduct a wharf upgrade project, to be completed by

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December 2015. The Applicant has applied for a new General Lease – Industrial Use to comply with the existing lease requirements and increase the lease area from 7.49 acres to 9.69 acres to include the proposed upgraded facilities and an area for larger ships to moor. This upgrade project is designed to bring the wharf in compliance with lease requirements and allow the Applicant to continue operating the facilities for the next 20 years. The proposed upgrades entail removal of five existing timber breasting and mooring dolphins (containing a total of 150 creosote treated timber piles) and their replacement with four new breasting dolphins, each with a cone fender system, and three new hollow core steel monopole mooring dolphins, with connecting walkways; and repair of one timber piling and 12 stringers (beam/lumbers) on the existing wharf.

4. Removal of the creosote treated timber piles will occur with a clamshell bucket or chain. If pilings break at least three feet below the mudline during an extraction attempt, the stub will be left in place and the location of the stub will be recorded and mapped. Construction will be entirely supported from barges moored in the water. All removal and construction activities are anticipated to occur between August 19 and November 30, 2015.
5. Potential environmental effects associated with implementation of this wharf upgrade had not been previously analyzed under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
6. The Commission is the lead agency for the Project pursuant to CEQA and conducted an Initial Study to determine if the Project may have a significant effect on the environment (Cal. Code Regs., tit. 14, § 15063; State CEQA Guidelines). Although the Initial Study identified several potentially significant impacts to Biological Resources, Cultural and Paleontological Resources, Hazards and Hazardous Materials, and Hydrology and Water Quality, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts “to a point where clearly no significant effects would occur” (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that “there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment” (State CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.

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Pursuant to the Commission's delegation of authority and the State CEQA Guidelines section 15025, the staff prepared an MND identified as CSLC MND No. 778, State Clearinghouse No. 2015062045. The MND and Initial Study were circulated for a 30-day public review period from June 16, 2015, to July 17, 2015, and staff received four comment letters, as summarized below.

- Trevor Cleak, Central Valley Regional Water Quality Control Board, provided a list of potentially applicable water quality permits but did not include any project-specific comments or recommendations.
- Katherine Perez, Nototomne Cultural Preservation, recommended that the Project be monitored by both a qualified archaeological firm and Native American monitor.
- Rene Urbina, Contra Costa County Flood Control & Water Conservation District, stated the District did not have any comments at the present time, and that the Project would not have a significant impact to the drainage area.
- Timothy M. Taylor, representing Georgia-Pacific Gypsum LLC, recommended some minor edits to the text, provided additional clarification to the environmental setting section of the Biological Resource section, and clarified that pilings that break three feet or more below the mudline would have the remaining stubs left in place. None of the comments raise new environmental issues, identify any new impacts beyond those analyzed in the MND, or suggest any changes in the level of significance of previously identified environmental effects, either before or following mitigation.

The comment letters from Trevor Cleak, Katherine Perez, and Rene Urbina did not result in any revisions to the MND. However, the Commission staff revised the MND based on comments received from Georgia-Pacific, LLC. The changes to the MND consisted of minor edits, corrections, and a clarification that pilings breaking three feet below the mudline during removal would be buried and left in place, with their locations recorded. Staff determined that these changes do not constitute a "substantial revision," as defined in State CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of the MND prior to Commission consideration is not required pursuant to in State CEQA Guidelines section 15073.5, subdivision (c).

Based upon the Initial Study, the MND, and the comments received in response thereto, there is no substantial evidence that the Project will

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have a significant effect on the environment (State CEQA Guidelines, § 15074, subd. (b)). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in Exhibit C, attached hereto.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the Project, as proposed, is consistent with its use classification.

APPROVALS NEEDED:

U.S. Army Corps of Engineers
National Marine Fisheries Service
U.S. Fish and Wildlife Service
Central Valley Regional Water Quality Control Board
California Department of Fish and Wildlife
City of Antioch

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Certify that the MND, CSLC MND No. 778 (August 2015), State Clearinghouse No. 2015062045, was prepared for this Project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and in the comments received in response thereto and that the MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the Project, as approved, will not have a significant effect on the environment.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C attached hereto.

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SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of a quitclaim deed for Lease No. PRC 1589.1, effective August 19, 2015.
2. Authorize issuance of a General Lease – Industrial Use to Georgia-Pacific Gypsum, LLC, beginning August 19, 2015, for a term of twenty (20) years, for continued use, maintenance and operation of an existing industrial facility which includes filled land improved with an internal road, open stockpile area, elevated conveyor system, fencing, electrical service, a portion of a storm water discharge pipeline, concrete bulkhead, rock berm and other appurtenant facilities; and unfilled land improved with a vehicle bridge, a conveyor system, a portion of a storm water discharge pipeline; portions of a bulkhead and rock berm; and removal, installation, and repair of industrial wharf components with appurtenant facilities as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; Base Rent of \$170,969 with an annual Consumer Price Index adjustment, as provided in the lease provided that the Adjusted Annual Rent will never be lower than the Base Rent then in effect; and the State reserving the right to fix a different rent on the 10th anniversary of the lease term, as provided in the lease; insurance in an amount no less than \$5,000,000 per occurrence; and surety bond in the amount of \$375,000.

EXHIBIT A

PRC 1589.1

LAND DESCRIPTION

A parcel of tide and submerged land lying in the bed of the San Joaquin River, Contra Costa County, California, approximately one mile east of Antioch, California, more particularly described as follows:

COMMENCING at Sando R.M. 1, CCS27, Zone 3, coordinates being Y(N)=553,227.08 feet and X(E)=1,629,601.00 feet, said R.M. 1 being S 89°41'58" E, 220.67 feet from the intersection of the northerly R/W lines of Wilbur Avenue and Santa Fe Railroad; thence N 20°43'25.2" E, 1,092.22 feet to the intersection of the easterly line of Kaiser Gypsum Co. and the southerly or left bank of the San Joaquin River being the POINT OF BEGINNING; thence downstream along said left bank the following 24 courses,

- 1) N 63°02'03" W 16.26 feet;
- 2) S 82°43'30" W 47.38 feet;
- 3) S 67°17'08" W 46.62 feet;
- 4) S 84°52'58" W 67.27 feet;
- 5) N 60°01'06" W 60.03 feet;
- 6) N 13°14'26" W 69.86 feet;
- 7) N 82°02'33" W 93.90 feet;
- 8) S 29°44'41" E 16.12 feet;
- 9) S 63°04'20" W 70.66 feet;
- 10) S 78°57'33" W 41.77 feet;
- 11) S 72°26'47" W 102.79 feet;
- 12) N 72°21'00" W 46.17 feet;
- 13) N 89°07'07" W 65.01 feet;
- 14) S 67°56'27" W 165.08 feet;
- 15) N 82°37'55" W 116.97 feet;
- 16) S 76°10'17" W 133.88 feet;
- 17) N 66°40'56" W 126.32 feet;
- 18) S 79°06'53" W 26.48 feet;
- 19) N 54°33'04" W 157.05 feet;
- 20) N 78°20'46" W 163.37 feet;
- 21) N 28°51'21" W 55.95 feet;
- 22) N 71°33'54" W 72.73 feet;
- 23) N 76°04'18" W 128.79 feet;
- 24) N 87°07'11" W 58.07 feet to a point on the west property line of Kaiser Gypsum;

thence leaving said left bank of the San Joaquin River N 01°23'51" E, 34.46 feet; thence S 76°14'24" E, 233.09 feet; thence S 79°06'30" E, 349.98 feet; thence S 88°38'30" E, 205.06 feet; thence N 05°13'30" E, 268.95 feet; thence S 84°46'30" E, 1071.19 feet; thence S 05°13'30" W, 373.06 feet to a point on said left bank ; thence along said bank N 48°42'31" W, 119.44 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the San Joaquin River.

END OF DESCRIPTION

REVISED BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT 7/24/2015. ORIGINAL DESCRIPTION PREPARED BY "TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR." ON JULY 15, 1980 AS FOUND IN "PRC 1589".

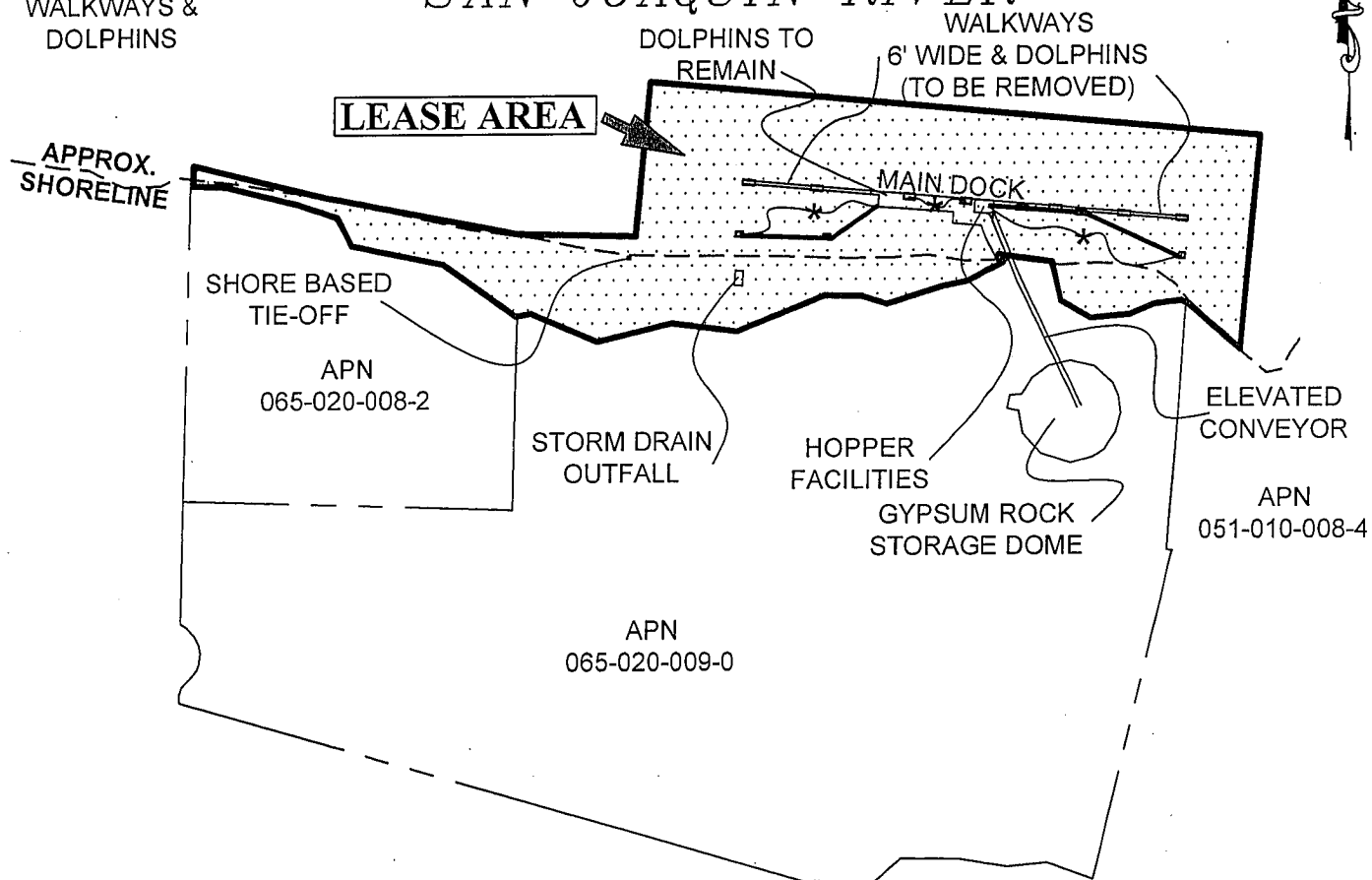


NO SCALE

*= PROPOSED NEW
WALKWAYS &
DOLPHINS

SITE

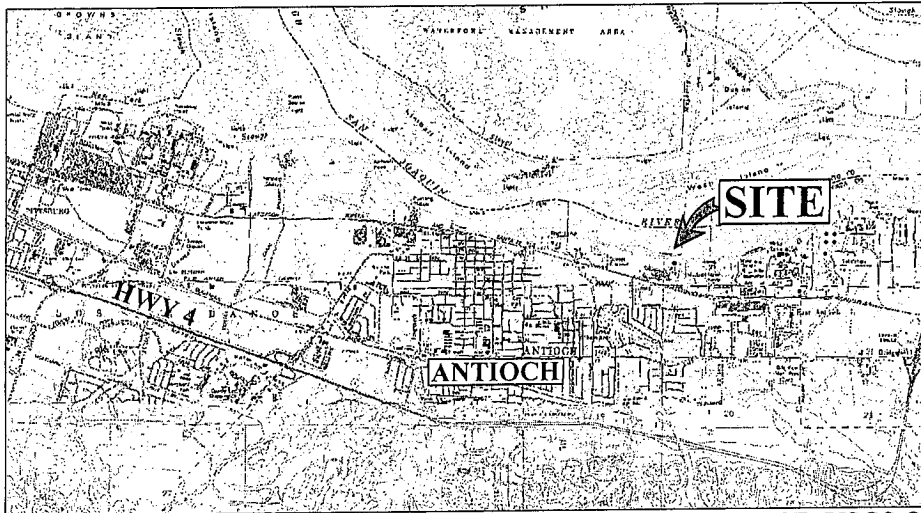
SAN JOAQUIN RIVER



801 MINAKER DR.
ANTIOCH, CA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 1589.1
GEORGIA-PACIFIC
GYPSUM LLC.
APN:065-020-008-2,-009-0 &
051-010-008-4
GENERAL LEASE -
INDUSTRIAL USE
CONTRA COSTA CO.



MJF 7/24/15

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

GEORGIA PACIFIC GYPSUM ANTIOCH WHARF UPGRADE PROJECT
(State Clearinghouse No.2015062045)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Georgia Pacific (GP) Gypsum Antioch Wharf Upgrade Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d), and 15097.

The Project authorizes GP Gypsum, LLC (GP Gypsum or Applicant) to remove, install, and repair structures on the wharf to upgrade the wharf in accordance with the terms and conditions of its existing CSLC Lease No. PRC 1589.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. The Project Applicant is responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the California Department of Fish and Wildlife (CDFW). The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. For the Project, a qualified biologist will be the environmental monitor; he/she will

1 conduct the Worker Environmental Awareness Program (WEAP) training and be on-call
2 during the conduct of all Project activities. Among other duties, the qualified biologist
3 shall have the authority to halt work to ensure impacts to species are minimized and/or
4 avoided. If a listed species is detected, the qualified biologist will also notify CSLC and
5 CDFW staff. Along with the CSLC staff, the qualified biologist is responsible for:

- 6 • Ensuring that the Applicant has obtained all applicable agency reviews and
7 approvals;
- 8 • Coordinating with the Applicant to integrate the mitigation monitoring procedures
9 during Project implementation (for this Project, many of the monitoring
10 procedures shall be conducted during the deconstruction phase); and
- 11 • Ensuring that the MMP is followed.

12 The qualified biologist shall immediately report any deviation from the procedures
13 identified in this MMP to the CSLC staff or its designee. The CSLC staff or its designee
14 shall approve any deviation and its correction.

15 Workforce Personnel. Implementation of the MMP requires the full cooperation of
16 Project personnel and supervisors. Many of the MMs require action from the site
17 supervisor(s) and the crew. The following actions shall be taken to ensure successful
18 implementation.

- 19 • Relevant mitigation procedures shall be written into contracts between the
20 Applicant and any contractors.
- 21 • For this Project, a WEAP (under MM BIO-4) shall be implemented and all
22 personnel would be required to participate.

23 General Reporting Procedures. A monitoring record form shall be submitted to the
24 Applicant, and once the Project is complete, a compilation of all the logs shall be
25 submitted to the CSLC staff. The CSLC staff or its designated environmental monitor
26 shall develop a checklist to track all procedures required for each MM and shall ensure
27 that the timing specified for the procedures is followed. The environmental monitor shall
28 note any issues that may occur and take appropriate action to resolve them.

29 Public Access to Records. Records and reports are open to the public and would be
30 provided upon request.

31 **MITIGATION MONITORING TABLE**

32 This section presents the Mitigation Monitoring Table (Table 5-1) for the following
33 environmental disciplines: Biological Resources, Cultural and Paleontological
34 Resources, Hazards and Hazardous Materials, and Hydrology and Water Quality. All
35 other environmental disciplines were found to have less than significant or no impacts

1 and are therefore not included below. The table lists the following information, by
2 column:

- 3 • Potential Impact;
- 4 • Mitigation Measure (full text of the measure);
- 5 • Location (where impact occurs and mitigation measure should be applied);
- 6 • Monitoring/Reporting Action (action to be taken by monitor or Lead Agency);
- 7 • Timing (before, during, or after construction; during operation, etc.);
- 8 • Responsible Party; and
- 9 • Effectiveness Criteria (how the agency can know if the measure is effective).

Table C-1. Mitigation Monitoring Program

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|--|--|-------------------------|--|------------------------|------------------------------------|--|
| Biological Resources | | | | | | |
| Construction-Related Impacts to Special-Status Fish and Birds | MM BIO-1. Timing of Work. All in-water work shall be performed within the environmental work window between August 1 and November 30. | In-water work areas | Submit all final in-work plans to CSLC at least 30 days before starting work | Before and during work | Applicant/ Contractors/ CSLC | Perform all in-water work between August 1 and November 30 |
| | MM BIO-2. Restriction on Equipment Movements. To avoid potential impacts to sensitive plants that may occur along the shoreline, boats, barges and any floating or submerged equipment shall be prevented from contacting the shoreline to avoid crushing native vegetation or wildlife. | In-water work areas | Submit map of restricted area to CSLC at least 30 days before starting work | Before and during work | Applicant/ Contractors/ CSLC | Impacts to shoreline habitats are prevented |
| | MM BIO-3. Designation of an Agency-Approved Project Biologist. At least 30 days before initiating Project activities, the Project proponent shall obtain the California Department of Fish and Wildlife's written approval for a designated Project Biologist. The Project Biologist shall be on site during initial Project activities and as necessary to oversee activities described for pile-driving acoustic monitoring (MM BIO-7) and monitoring of sensitive migratory birds (MM BIO-9). | Sensitive habitat areas | Submit name and contact information of Biologist, and any monitoring records to CSLC before starting work | Before and during work | Applicant/ Contractors/ CDFW/ CSLC | Project biologist is approved on time |
| | MM BIO-4. Worker Environmental Awareness Program (WEAP). A WEAP shall be developed and presented by the Project Biologist. The WEAP shall cover the ecology, identification, legal protections afforded all potentially occurring special-status plant and animal species as well as the identified protective measures and implications of non-compliance. All persons employed or otherwise working on the Project sites shall attend a WEAP presentation prior to performing any work on site. | Not applicable | Submit a copy of the training material, duration of training, attendees sign-in sheet to CSLC before starting work | Before work | Applicant/ Contractors/ CSLC | Avoid sensitive species and habitats |

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|------------------|---|---------------------|---|--------------------------------|---|--|
| | MM BIO-5. Wildlife Protections. If any wildlife is encountered during the course of construction, said wildlife shall be allowed to leave the construction area unharmed and shall not be flushed, hazed, or herded away from the Project site. | All work areas | Submit reports of wildlife encounters and measures taken to protect them to CDFW and CSLC within 24 hours | During work | Applicant/ Contractors/ CDFW/ CSLC | Minimize wildlife harmed or harassed during work |
| | MM BIO-6: In-Water Turbidity Protections. During pile removal activities, turbidity monitoring shall be monitored daily during an ebb tide, at 31 meters (100 feet) upstream and 92 meters (300 feet) downstream of the work site. If downstream turbidity measures are more than 15 Nephelometric Turbidity Units (NTU) above the upstream level, activities shall cease until turbidity levels drop below 15 NTUs above the upstream measurement. All incidents of exceedance of the turbidity standard shall be reported to the California Department of Fish and Wildlife (CDFW) within 24 hours. A turbidity-monitoring log shall be maintained and provided to the CDFW and the State Lands Commission staffs within 5 days from the completion of work. | In-water work areas | Submit turbidity monitoring logs to CDFW and CSLC within 24 hours for exceeding turbidity standards and all turbidity logs within 5 days of completing the work | During and after work | Applicant/ Contractors/ CDFW/ CSLC | Minimize exceedances of 15 NTU turbidity criterion |
| | MM BIO-7. Minimize Underwater Sound From Pile Driving. Underwater sound monitoring shall be performed during pile driving for all piles unless monitoring of the first pile of each size and type demonstrates that the accumulated sound exposure levels (SEL) do not exceed the cumulative exposure threshold of 183 decibels at 10 meters. A hydroacoustic monitoring log shall be kept and a monitoring report shall be submitted to the State Lands Commission staff upon completion of pile driving activities. In addition, underwater sound reduction measures shall be implemented, as follows: | In-water work areas | Submit plans to CSLC 30 days before starting work and incidents of exceeding SEL standards to CDFW and CSLC within 24 hours | Before, during, and after work | Applicant/ Contractors/ CDFW/ CSLC | Minimize exceedances of SEL standards |

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|------------------|--|----------------|---|------------------------|------------------------------------|--|
| | <ul style="list-style-type: none"> a) Use of an impact hammer cushion block; b) Use of impact hammers only during daylight hours; c) Implementation of “soft start” procedures, in which impact strikes gradually increase in energy and frequency of impacts to permit wildlife to vacate the surroundings; and d) Use of a bubble curtain surrounding piles during pile driving operations. | | | | | |
| | <p>MM BIO-8. Toxic Substances Protections. To ensure toxic substances are not released into the aquatic environment, the following measures shall be followed:</p> <ul style="list-style-type: none"> a) All engine-powered equipment shall be well-maintained and free of leaks of fuel, oil, hydraulic fluid or any other potential contaminant; b) All engine-powered equipment used and operated from the decks of barges, boats or the wharf shall be positioned over drip-pans; c) A spill prevention and response plan shall be prepared in advance of the commencement of work; a spill kit with appropriate clean-up supplies shall be kept on hand during operations. The kit shall include a floating oil-absorbent sock that could be immediately deployed and maintained around the work barges in the event of a spill or any accidental leakage of fuel or hydraulic fluids; d) Refueling and maintenance of mobile equipment shall not be performed directly over the waters of the river. Only approved and certified fuel cans with “no-spill” spring-loaded nozzles shall be used; and e) All spill cleanup materials or other liquid or solid wastes shall be securely containerized and labeled in the field during transport by barge to the | All work areas | Submit all plans to CSLC 30 days before starting work | Before and during work | Applicant/ Contractors/ CSLC | Minimize environmental contamination from toxic substances |

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|------------------|---|---------------------------|---|------------------------|--|--|
| | contractor's yard. | | | | | |
| | <p>MM BIO-9. Protection of Migratory Birds. To ensure special-status and other migratory birds are not harmed during construction, the following measures shall be followed:</p> <p>a) If construction activities are scheduled to occur outside of the breeding season (i.e., September 1 through January 31), no preconstruction surveys or other MMs are necessary.</p> <p>b) If construction activities are scheduled to occur during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted of the wharf structures, the identified work area and a buffer zone (see below). The survey should be performed by a qualified biologist no more than two weeks prior to the initiation of work. If no active nest is observed, work may proceed without restrictions. An active nest is one that contains eggs, chicks, or young birds that have not fledged from the nest.</p> <p>c) For any active nests found near the construction limits (76 meters [250 feet] for raptors and 33 meters [100 feet] for passerines), the Project biologist shall map their location and make a determination as to whether or not construction activities are likely to disrupt the nest or cause nest failure. If it is determined that construction is unlikely to disrupt incubation, rearing, or fledging, construction may proceed. If it is determined that construction may disrupt these behaviors, the no-construction buffer zone shall be implemented. In general, the buffer zone shall be a minimum of 300 feet from the drip line of the nest tree or nest for raptors and 50 feet for passerines. The ultimate size of the no-construction buffer zone</p> | Project site and vicinity | Submit all plans to CSLC 30 days before starting work and consult with the appropriate CDFW or USFW staff | Before and during work | Applicant/ Contractors/ CDFW/ USFW/ CSLC | Minimize construction impacts to migratory birds |

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|------------------|---|---------------------------|-------------------------------|-------------|------------------------------------|---|
| | <p>may be adjusted by the Project biologist based on the species involved, topography, lines of sight between the work area and the nest, physical barriers, and the ambient level of human activity. The buffer zone may be reduced after consultation and with concurrence from the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service Division of Migratory Bird Management. If it is determined that construction activities are likely to disrupt an active nest, construction activities within the no-construction buffer zone shall not proceed until the Project biologist determines that the young have left the nest and are foraging independently or the nest is no longer active.</p> <p>d) If maintenance of a no-construction buffer zone is not practicable, active nests should be monitored by a qualified biologist to document breeding and rearing behavior of the adult birds. If it is determined that construction activities might cause nest abandonment, work shall cease until the young have left the nest and are foraging independently or the nest is no longer active.</p> | | | | | |
| | <p>MM BIO-10: Protection of Marine Mammals. To ensure potential impacts to harbor seals and California sea lions are minimized, the Project Biologist shall monitor for the presence of marine mammals during impact pile driving activities. The following acoustic “exclusion zone” shall be enforced around a pile being driven with an impact hammer:</p> <ul style="list-style-type: none"> • 510 meters for 72-inch piles • 200 meters for 48 and 42-inch piles • 150 meters for 30 and 24-inch piles <p>If a harbor seal or California sea lion is observed within the exclusion zone during impact hammer</p> | Project site and vicinity | Comply | During work | Applicant/ Contractors/ CSLC | Minimize construction impacts to marine mammals |

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|---|--|---------------------|---------------------------------|-------------|------------------------------|---|
| | driving, pile driving will stop until the individual(s) moves beyond the limit of the exclusion zone on its own volition. Once the individual(s) moves outside of the exclusion zone, impact pile driving may resume. | | | | | |
| Cultural and Paleontological Resources | | | | | | |
| Construction-Related Impacts to Cultural Resources | MM CUL-1: Discovery of Previously Unknown Cultural Resources. Should additional cultural materials be uncovered during Project implementation, Project activities shall cease within 100 feet of the find and a Cultural Resources Specialist and California State Lands Commission (CSLC) staff shall be contacted immediately. The location of any such finds must be kept confidential and measures should be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Additional measures to meet these requirements, after a qualified Cultural Resources Specialist has been notified, include assessment of the nature and extent of the resource, including its possible eligibility for listing in the National Register of Historic Places, and subsequent recordation and notification of relevant parties based upon the results of the assessment. Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission. | In-water work areas | Comply and coordinate with CSLC | During work | Applicant/ Contractors/ CSLC | Minimize construction impacts to cultural resources |
| | MM CUL-2: Unanticipated Discovery of Human Remains. If human remains are encountered during implementation of the Project, all provisions provided in California Health and Safety Code | In-water work areas | Comply and coordinate with CSLC | During work | Applicant/ Contractors/ CSLC | Minimize construction impacts to cultural |

| Potential Impact | Mitigation Measure (MM) | Location | Monitoring / Reporting Action | Timing | Responsible Party | Effectiveness Criteria |
|--|---|----------|-------------------------------|--------|-------------------|------------------------|
| | section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery and a qualified Cultural Resources Specialist must be contacted immediately, who shall consult with the County Coroner. In addition, California State Lands Commission (CSLC) staff shall be notified. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage Commission within 24 hours of this determination and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid and/or recover the remains have been implemented. | | | | | resources |
| Hazards and Hazardous Materials | | | | | | |
| Accidental Spill of Construction-Related Hazardous Materials (Fuels, Lubricants, etc.) | MM BIO-6 In-Water Turbidity Protections (see above) | | | | | |
| | MM BIO-8 Toxic Substances Protections (see above) | | | | | |
| Hydrology and Water Quality | | | | | | |
| Turbidity and Resuspension of Bay Sediments in Water Column | MM BIO-6 In-Water Turbidity Protections (see above) | | | | | |
| | MM BIO-8 Toxic Substances Protections (see above) | | | | | |